

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/
PLANNING AND ZONING COMMISSION**

WEDNESDAY, JANUARY 9, 2008

Commission members present: Ben Tucker, Melanie Chase, Dudley Bates, Walt Eismann, and Kim Day.

Commission members absent: Rob Wolf, Matthew Brown

Also present: Dori DeBord, Director of Planning and Development; Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; Ian Sikonia, Senior Planner; Austin Watkins, Senior Planner; Kathy Furey-Tran, Assistant County Attorney; and Candace Lindlaw-Hudson, Clerk to the Commission.

The meeting was called to order at 7:00 P.M. by Ben Tucker, who served as Chairman in the absence of Matt Brown. Following the pledge of allegiance, the Chairman introduced the commission members present and reviewed the rules by which the meeting is to be conducted and voting procedure.

OPENING BUSINESS

Acceptance of Proof of Publication

Commissioner Eismann made a motion to accept the proof of publication of the legal ad.

Commissioner Bates seconded the motion.

The motion passed unanimously (5 – 0).

Approval of Minutes

Commissioner Eismann made a motion to accept the minutes from the 12 – 5-07 meeting as submitted.

Commissioner Bates seconded the motion.

The motion passed unanimously.

NEW BUSINESS

A. Etor PUD Major Amendment; Robert Horian, Suncor Properties Inc., applicant; 6.75 ± acres; PUD (Planned Unit Development) Major Amendment for a change of use from Office to Multi-Family and Revised Final Master Plan; located on S. Sun Drive approximately 900 feet west of Greenwood Lakes Blvd; (Z2006-78)

Commissioner Henley – District 4
Austin Watkins, Senior Planner

Commissioner Tucker stated that due to technical issues, staff is requesting that this item be continued to the February 6, 2008 meeting.

Commissioner Eismann made a motion to continue the above item to the February 6, 2008 meeting.

Commissioner Bates seconded the motion.

The motion passed unanimously.

B. Bella Woods Rezone; Larry Hodges / H.L. Re Investments, LLC, applicant; 3.34 ± acres; Rezone from A-1 (Agriculture) to R-1AAA (Single Family Residential District); for 6 single-family lots; located on the north side of Dike Road approximately 900 feet east of the intersection of Tuskawilla Road and Dike Road. (Z2007-82)

Commissioner Dallari – District 1
Austin Watkins, Senior Planner

Mr. Watkins reviewed the lot size of R-1AAA zoning and explained the definition of Low Density Residential future land use. He stated that staff has completed a lot size compatibility analysis of the area of the request and has found that the analysis supported the zoning request for R-1AAA sized lots.

Mr. Watkins stated that on October 23, 2007, the Board of County Commissioners denied the applicant's request to rezone the subject property from A-1 to PUD. The PUD preliminary master plan proposed seven lots with a minimum lot size of 11,000 square feet and a minimum width at building line of 75 feet. The applicant's current request demonstrates a reduction in density from 2.59 dwelling units per net buildable acre (original proposal) to 2.22 dwelling units per net buildable acre based on 6 lots.

The surrounding area has the Low Density Residential Future Land Use designation. East of the subject property is the Suburban Estates Future Land Use designation. To the south is the R-1A and R-1AA Residential Zoning Districts. West of the subject property is the Future Land Use designation of Office and Low Density Residential Future Land Use designation.

Mr. Watkins stated that this request would better transition the area from higher intense uses located along Tuskawilla Road and south of the subject property to the Low Density residential and Suburban Estates east of the subject property. Staff recommendation is for approval of the applicant's request.

George Garrett, 200 E Robinson Street, Orlando, stated that the requested R-1AAA zoning would provide a better transition than the PUD (with 7 lots) that was previously denied.

Commissioner Eismann asked for a clarification of the number of lots being planned.

Mr. Garrett said that six lots were planned. That is all that can be placed there with the 13,500 square-foot minimum lot size for the R-1AAA zoning and the 100-foot minimum lot width.

Jami McCutcheon of 4750 Dike Road said that she lives east of and adjacent to the subject property. She is concerned about the density of these homes. Adjacent neighborhoods are not visible from her property. A street and 6 houses does not make a community. There are a lot of people who would like to live on one acre lots here. This will not fit well.

Bobbie and Jim Womble submitted written comments of objection stated that the proposed project has lots that are not compatible with the area. They were also concerned about the septic tanks being too close to wells in the area.

Tracie Blakey of 1560 Brooks Lane owns a 25 acre farm adjacent on the west of the site. She is concerned because the drainage from Stonehurst goes onto her property already, and this will add to it. She requested sewers be used and that the storm water run-off be contained. She also was concerned about buffers. She has cows, bulls, and horses on her Agricultural zoned property. Ms. Blakey also wanted to know where the retention pond was going to be placed. The clearing of the land of large oak trees for construction of the homes will take away a means of absorbing storm water from the land. The area will not have the same drainage. This application will not fit without sewers, drainage containment and buffered walls.

Ian Phillips of 4800 Dike Road lives on the far side of Tracie Blakey's property. He is downhill of this site. He already has problems with drainage on his property. He is concerned with potential impervious parts of the site.

Mr. Phillips handed out a packet with Land Development Code (LDC) quotations concerning scenic corridors, well protection and septic conditions, and mobile home parks. He also talked about setbacks along Dike Road. Mr. Phillips quoted LDC section 30-1341 concerning setbacks.

Section 30-1345 of the LDC was quoted pertaining to the presence of livestock on Agricultural zoned land.

Mr. Phillips also mentioned open space requirements and required landscaping.

He concluded by proposing 3 lots zoned A-1 for the site, rather than R-1AAA. This would help lessen the run-off.

Shar Moore said that her well was within 25 feet of the proposed road. She is concerned with people entering her property from the site. She would like to have a wall to protect her from the development.

Jody Lazarus of 4736 Dike Road said that this site had been denied a rezoning in October. Using a map, Ms. Lazarus stated that the agricultural land use to the east was end-stage land use. It was not changing. Commissioner Dallari did not feel that the previously denied 7 lots provided adequate transition. She pointed out that the first house on the proposed road will be sideways to Dike Road. She was concerned with transition and land use in the area. She pointed out the land uses around two area schools, Tuskawilla Middle School and Lake Howell High School, indicating large areas of undeveloped green space. She said that Commissioner Carey was concerned with an easement to the east. Ms. Lazarus said that easement is an easement to the Lazarus property. She is concerned for the livestock in the area.

Mark Crone of Stonehurst Development Corporation said he is in favor of smart development. He used an area map to indicate that lots 11, 11G, 11F, and 11B will be landlocked by this project with a private street. They need a private right of way. If the adjacent lots are to be redeveloped they would require a 50 foot right-of-way. The adjacent lots are 140 feet deep. After subtracting the setbacks one is left with a tiny building pad. He recommended that the applicant be required to provide access to Mr. Garcia's property and the Stonehurst lot on the proposed road, with monetary compensation for such rights.

Blair Walters lives in Tiffany Woods. She is concerned about the drainage in the area. She also asked what would happen to the width of Dike Road. She said that widening Dike Road would take down trees that give her lot privacy.

Mr. Garrett spoke in rebuttal. He stated that straight zoning does not require site plans. Some of the regulations read by Mr. Phillips pertained to PUD development. R-1AAA zoning has a 30-foot rear setback. The stormwater will be in the northeast corner, where it is the lowest. Mr. Garrett stated that he had done preliminary stormwater analysis and that he will conform with County standards. The setback from Dike Road is 25 feet, with the first house being on a corner lot. The area school is on water and sewer. He did not think it was on well water. Bodkin Lane has prescriptive rights for the 8 lots to the west. The drainage is to the north, away from Tiffany Woods. The 6 lots he is proposing

are larger than Tiffany Woods lots, which are R-1AA. He will conform to the R-1AAA zoning regulations and requests approval.

Commissioner Eismann asked about the access to the lots to the west. Do they have to be granted access?

Tina Williamson stated that the 8 lots to the west are currently non-conforming lots. They appear to have access to the public road through a prescriptive rights easement currently. If they come back at some time in the future, to develop their lots in some sort of subdivision process, they would be required to provide an access road.

Commissioner Tucker asked about the status of the 8 lots at this time. As long as they keep the land use that they have now, they are conforming.

Ms. Williamson said that they are legally grandfathered, non-conforming uses.

Commissioner Tucker asked for an explanation of how the staff comes to a recommendation.

Mr. Watkins said that the lot size compatibility analysis was conducted and it supported the R-1AAA zoning district. This examines the relationship of the surrounding zoning districts by 330 feet as well as 660 feet buffer. On the subject property with the Low Density Residential Future Land Use we have the ability to give extra points to properties that are not in final form of development and that have access to additional urban services.

Commissioner Tucker asked about the availability of sewers.

Mr. Watkins said that sewers were available off of Tuskawilla Road. There is also a lift station in the subdivision to the north of the subject property. It would be up to the applicant to decide whether they would want to hook up with public water and sewer. They can do septic as long as they meet the minimum requirements with the state of Florida. The R-1AAA zoning minimum lot size has been met.

Commissioner Tucker asked about the minimum distance necessary to have a well from a side yard setback and from the road.

Tina Williamson said that wells are established through the Department of Health. Planning does not deal with wells.

Commissioner Tucker asked if a drainage pond can be placed in a setback from Dike Road.

Ms. Williamson stated that setbacks are established on the individual building lots themselves. A pond can be placed in a setback.

Commissioner Tucker asked about the 150 foot setback for livestock.

Ms. Williamson quoted Section 30.1345 which states that in any residential area, no commercial kennels, or any livestock or fowl may be housed or pastured closer than 150 feet to any lot line, nor may any commercial production of any stock animal or fowl be permitted. That would apply if someone in this subdivision wanted to have a commercial kennel; they would have to meet a 150 foot setback. The setback is not from livestock on other properties, it's from the property that they want to do the livestock production on.

Commissioner Tucker said that the setback is applicable to the adjacent agricultural property, but not to the applicant.

Commissioner Eismann asked about the scenic corridor question brought up by a speaker.

Mr. Watkins stated that such rules apply to the eastern rural area, not here.

Commissioner Eismann asked about the mobile home park rules quoted by one of the speakers.

Ms. Williamson read from the code that such mobile home parks as those adjacent to the site of the application are allowed to continue, but may not be enlarged or extended beyond the originally approved master plan.

Commissioner Chase made a motion to recommend denial of the request for a rezone from A-1 (Agriculture) to R-1AAA (Single Family Residential District); for 6 single-family lots; located on the north side of Dike Road approximately 900 feet east of the intersection of Tuskawilla Road and Dike Road.

Commissioner Bates seconded the motion.

Commissioner Eismann asked if the project is straight zoning, then the County is looking at individual lots. How is the drainage addressed?

Tina Williamson said that the applicant would have to go through the full subdivision process, have a PSP that would come back to this board, and apply for and have a final plat, conforming to all of the applicable stormwater regulations of the County and the Water Management District.

The motion passed unanimously, 5 – 0. Recommendation was for denial.

C. River's Edge Preserve PUD Major Amendment; Tom Daly / Daly Design Group, applicant; 9.9± acres; Major Amendment to PUD (Planned Unit Development); located on the east side of SR 415, approximately 1 mile north of the intersection of SR 46 and SR 415. (Z2007-77)

Commissioner Carey - District 5
Austin Watkins, Senior Planner

Austin Watkins presented the application for a PUD major amendment. The River's Edge PUD was approved in March of 2007 with an overall density of 3.9 dwelling units per net buildable acre, or a maximum number of dwelling units of 33. At this time the applicant is requesting an addition access point off of SR 415 to allow for an existing driveway which services an existing single-family house that will stay after the development has been completed. The original access point was not shown on the plan that was approved by the BCC in March of 2007. Additionally, the applicant is requesting some amendments to the approved buffering and setback standards that were approved. The setbacks and buffers were done for a townhome development. At this point, the applicant is seeking to develop single-family dwellings.

Buffers and setback will be: To the West: Minimum 40-foot planted buffer in a separate tract. Plantings will be consistent with FPL planting standards and there shall be at least 6 sub-canopy trees and 10 shrubs every 100 feet. The retention pond is allowed to encroach a maximum of 20' into the buffer. (townhome and single-family) To the North: 25-foot building setback from post development floodplain/wetland and a planted environmental drainage swale within a 15-foot easement. (single-family) To the East: 25-foot building setback from post development floodplain/wetland and a planted environmental drainage swale within a 15-foot easement. (single-family) To the South: no buffer required (single family)

Staff recommendation is for approval of the requested Major Amendment to the River's Edge Preserve PUD, Revised and Restated Development Order and Revised Preliminary Master Plan, for 9.99 ± acres, located on the east side of SR 415, approximately 1 mile north of the intersection of SR 46 and SR 415.

Tom Daly stated that originally a townhome development was planned. The density changed with a single-family development of 33 lots. Buffering standards are to be changed. There is an existing single-family home with entry by a dirt driveway which will remain within the subdivision. He will soon follow with a submittal of a Preliminary Subdivision Plan.

Commissioner Eismann made a motion to recommend approval for the requested Major Amendment to the River's Edge Preserve PUD, Revised and Restated Development Order and Revised Preliminary Master Plan, for

9.99 ± acres, located on the east side of SR 415, approximately 1 mile north of the intersection of SR 46 and SR 415.

Commissioner Bates seconded the motion.

The motion passed 5 – 0.

D. W. Chapman Rd (2155) Rezone; Terra Engineering / Rashid H Jamalabad, P.E., applicant; 11.26± acres; Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development); located on the south side of W. Chapman Rd, between SR 417 and SR 426. (Z2007-48)

Commissioner Dallari - District 1
Tina Williamson, Asst. Planning Manager

Tina Williamson stated that this item had been previously heard by this board on November 7, 2007. At that time the applicant was requesting C-3 zoning. The Planning and Zoning Commission voted 4 – 0 to recommend denial to the BCC at that time. At the BCC meeting on December 11, 2007, the BCC voted to continue this item to the January 22, 2008 meeting so that the applicant could pursue the PCD zoning request. The applicant is now requesting PCD zoning with permitted uses of the C-3 (General Commercial and Wholesale Zoning District). The maximum requested square feet is 53,200 square feet.

Buffers recommended by staff are:

- a. North property line, adjacent to Chapman Road: 4 canopy trees and 4 understory trees per 100 linear feet of buffer and a continuous shrub hedge that will attain a height of 3 feet within one year of planting. The trees shall be planted so that they do not interfere with any power lines.
- b. East property line: A minimum 8-foot opaque wall or fence, and 12 canopy trees, 24 understory trees and 204 shrubs evenly spaced along the property line.
- c. West property line: A minimum 8-foot opaque wall or fence, and 12 canopy trees, 24 understory trees and 204 shrubs evenly spaced along the property line.
- d. South property line: A minimum 8-foot opaque wall or fence and 4 canopy trees per 100 linear feet of buffer and a continuous shrub hedge that will attain a height of 3 feet within one year of planting.

Ms. Williamson stated that the future land use designation of the property is industrial, which does allow the requested zoning. Staff finds that the requested PCD zoning district and associated development order are compatible with the surrounding zoning and land use patterns. Approval is recommended.

Commissioner Bates asked why the PCD was more acceptable than the straight zoning.

Ms. Williamson said that a PCD will have buffering standards. These standards are similar to the ones used in the Big Boys Storage PCD further to the south.

Rashid Jamalabad was present for the owner to answer questions.

No one spoke in favor of the application from the audience.

Mark Bay of 2210 Eagle Pass Road lives to the east of the project. He was concerned because the truck repair portion of the project will be in his back yard. He quoted a BCC staff report which listed the exclusion of truck repair specifically in the development order. Mr. Bay said that he appreciated 3-foot hedges, but the maximum permitted building height is 35 feet. An 8-foot wall is not enough to buffer his property from this. Staff could take into account the people who are already in the neighborhood. He quoted the finding in the current staff report that staff finds the request consistent and compatible with the surrounding development patterns. The surrounding land is residential at the present, and no one is moving. This request is incompatible. Mr. Bay stated that he would like to see the truck repair/warehouse/storage moved to Parcel A in the site development plan. There is muck here. There will be a tremendous amount of fill needed. Since they widened the nearby highway, drainage is poor. There should be some semblance of peace for the neighbors. He is skeptical of the fact that the site is not wetlands. Mr. Bay asked that consideration should be given to the current neighbors. Please deny this. If not, make changes in the plans.

Catherine Rodenburg spoke next. She pointed out that Chapman Road is not paved, and that there were no future plans for it to be paved. Eagle Pass Road and Chapman Road are dirt roads that are narrow. Also, the retention ponds from SR 426 overflow now. There are bobcat, indigo snakes and box turtles present in the site.

Chris Larsen of 2235 Eagle Pass Road is opposed to the project. He is very concerned with drainage in the area.

Ted Gale of 1960 W. Chapman Road said that the property is wet. The State bought part of his property and put a retention pond on it. Things are still wet. There are wells on the property that need to be capped. He does not want the road paved. He is opposed to the application.

Rashid Jamalabad said that Chapman Road is higher than the surrounding land. He will go through the review process. The buffers and setbacks will enhance the area. There will be road improvements the water problems will be dealt with.

Commissioner Day asked if the phase one environmental study had been completed.

Mr. Jamalabad said that the study had not been completed. The area is a lowland, not a wetland.

Commissioner Day asked about the fill being brought in. How much will be needed?

Mr. Jamalabad said that care would be taken with the fill. He will not cause any drainage issues.

Commissioner Day asked about the additional parking and storage area designated on the site plan. What is that and how would it work with the drainage?

Mr. Jamalabad said that area would remain open for overflow parking. Mr. Jamalabad said that it is designated for temporary future storage. The open space on the project is beyond the minimum required.

Commissioner Day noted that if Mr. Jamalabad uses the area for overflow parking, there would not be enough open space.

Mr. Jamalabad said that the area would not be paved. It would be used for overflow parking. He has more than enough open space for the project.

Commissioner Day said that people would not want to park oversized vehicles on low-lying land. Some kind of stabilized base would be needed.

Mr. Jamalabad said that if a stabilized base were needed he would have to come back to the County for review.

Commissioner Day asked about the road. It appears to be a 15 foot wide lane. If there would be a minimum of 4 employees for each of the buildings on the site plan, there is a question here.

Mr. Jamalabad said that Chapman Road is a narrow dirt road with a 3-foot ditch next to it. There will have to be a review to bring the road up to County standards. This will be done later.

Commissioner Tucker asked about the right-of-way width of Chapman.

Ms. Williamson said that the right-of-way would be brought up to county standards at the time of final site plan review.

Commissioner Tucker asked about the donation of land, for the road. Mr. Gale had been concerned about this issue. Commissioner Tucker said that a 50-foot right-of-way is needed. Wells should be capped according to established procedure.

Commissioner Tucker said that he was concerned with free-flowing artesian wells being capped. He noted that a threatened and endangered species concern was mentioned by the neighbors.

Ms. Williamson said that a threatened and endangered species study will be done at the time of final engineering.

Commissioner Tucker noted the "muck issue."

Ms. Williamson said that a soil analysis will be done at the time of final engineering. This problem would be addressed at that time.

Commissioner Tucker asked if the presence of cypress trees indicated the presence of wetlands. There are cypress trees on the property.

Commissioner Tucker asked about the permitted use issue mentioned by a speaker.

Ms. Williamson said that the permitted uses on page 4 of the staff report are C-3 permitted uses as well as those in C-2 zoning with noted exclusions. The requested use is permitted.

Commissioner Bates asked about the buffering. Ms. Williamson said that the eastern buffer was the one being questioned. There is to be a minimum 8-foot opaque wall or fence, and 12 canopy trees, 24 understory trees and 204 shrubs evenly spaced along the property line.

Commissioner Chase asked if there would be an 8-foot wall on all 4 sides of the property.

Ms. Williamson said that there would be an 8-foot wall on 3 sides of the property. The north property line would not have to have the wall. Along Chapman there will be 4 canopy trees and 4 understory trees per 100 linear feet of buffer and a continuous shrub hedge that will attain a height of 3 feet within one year of planting. The trees shall be planted so that they do not interfere with any power lines.

Commissioner Chase said that was not much of a buffer.

Ms. Williamson said that was done according to the Land Development Code for road right-of-ways and parking areas.

Commissioner Tucker said that this infill issue of inserting industrial in a residential area is the concern. He has no doubt that all of this is done according to the Land Development Code. When one is the first one in, it can be expected that it will be a concern to long-term residential neighbors. Mr. Tucker said that he is not opposed to this use in this location at some point in the future. He noted that today you cannot use just our standing Code and be fair to either party. People will be calling for noise problems when trucks are worked on at night. It will be an incompatibility to both parties. Based on what he sees now, Commissioner Tucker said that he was not comfortable voting for this, as with the previous request.

Commissioner Chase said that this project is on a much more narrow part of Chapman Road than the other PCDs mentioned in the meeting tonight. The lane is too narrow. She feels the area is not ready for this.

Commissioner Chase made a motion to recommend denial of the request for a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) for 11.26 ± acres, located on the south side of W. Chapman Rd., between SR 417 and SR 426.

Commissioner Eismann seconded the motion.

The vote was 5 – 0 in favor of the motion.

E. Royal Plaza Rezone; Sophan Lay, applicant; 1.62± acres; Rezone from M-1A (Light Industrial) to C-1 (Retail Commercial); located on the corner of SR 426 and Prison Camp Road. (Z2007-71)

Commissioner Dallari - District 1
Ian Sikonia, Senior Planner

Ian Sikonia introduced the application for a rezone to C-1 for a retail shopping center. The existing M-1A zoning does not allow for retail uses. The existing M-1A zoning district does not allow for retail sales except as an ancillary use. The proposed uses of retail, restaurants, and other support commercial uses are allowed within the C-1 (Retail Commercial) zoning district. The Future Land Use Designation of the subject property is Industrial (IND), which allows the requested zoning district. The properties to the north and east are zoned A-1 (Agriculture), to the south and west is the M-1A (Very Light Industrial) zoning district. The surrounding properties consist of vacant land and industrial uses on three to five acres. To the north of the subject property is a FDOT facility on three acres abutting the SR 417; to the east across SR 426 is a five-acre Florida Power Corporation facility; to the west is ROL Manufacturing of America facility on three acres; and to the south is vacant land.

In the past several years there have been approvals in a half mile radius which demonstrate the trend of development in the area from large single-family home parcels to commercial developments. Such examples are the Magnolia Corporate Center, Oviedo Commerce Center, and Tesinsky RV Storage which allow for commercial uses similar to the requested C-1 zoning district. The transition of uses from the SR 417, to a manufacturing facility, to less intense commercial uses abutting SR 426 would allow for the more intense uses to be buffered by commercial developments.

Staff finds the proposed zoning consistent and compatible with the area and recommends approval of the request to rezone 1.8 + acres, located on the north corner of the intersection of SR 426 and Camp Road, from M-1A (Very Light Industrial) to C-1 (Retail Commercial).

Commissioner Eismann asked about the name of the road referred to as both "Prison Camp Road" and "Camp Road."

Mr. Sikonia said that he found the road referred to by both names in various document. He did not research the history of the road, but apparently something was there in the past.

Sophan Lay showed the site plan and elevations for the proposed shopping center.

There were no questions from the board.

Commissioner Eismann made a motion to recommend approval of the requested rezone of 1.8 + acres, located on the north corner of the intersection of SR 426 and Camp Road, from M-1A (Very Light Industrial) to C-1 (Retail Commercial), based on staff findings.

Commissioner Bates seconded the motion.

The motion passed unanimously (5 – 0).

CLOSING BUSINESS:

There was no further board business.

Commissioner Bates read a statement from SGTv for the viewers of the meeting concerning future channel location and changes due to technical issues.

There being no further business, the meeting adjourned at 8:50 PM.

**Respectfully submitted
Candace Lindlaw-Hudson**